KAREN P. HEWITT
United States Attorney
WILLIAM A. HALL, JR.
Assistant U.S. Attorney
California State Bar No. Pending
United States Attorney's Office
880 Front Street, Room 6293
San Diego, California 92101-8893
Telephone: (619) 557-7046/(619) 235-2757 (Fax)
Email: william.a.hall@usdoj.gov

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. ALFREDO MIRANDA ARELLANO, Defendant(s).	Criminal Case No. 07CR2879-JM DATE: November 16, 2007 TIME: 11:00 a.m. Before Honorable Jeffrey T. Miller UNITED STATES' STATEMENT OF FACTS AND MEMORANDUM OF POINTS AND AUTHORITIES

I

STATEMENT OF THE CASE

The Defendant, Alfredo Miranda Arellano (hereinafter "Defendant"), was charged by a grand jury on October 17, 2007 with violating 21 U.S.C. §§ 952 and 960, importation of cocaine, and 21 U.S.C. § 841(a)(1), possession of cocaine with the intent to distribute. Defendant was arraigned on the Indictment on October 23, 2007, and entered a plea of not guilty.

II

STATEMENT OF FACTS

Defendant was apprehended on the afternoon of July 24, 2007, by United States Customs and Border Protection ("CBP") Officers at the Calexico, California (West) Port of Entry. There, Defendant entered the vehicle inspection lanes as the driver and sole occupant of a 2005 Nissan Altima ("the vehicle"). The vehicle was registered to Defendant's mother.

At primary inspection, a CBP Officer asked Defendant where he was going. Defendant stated that he had just had his wisdom teeth removed and was returning home. Defendant said that he was in a lot of pain and could not wait to arrive at his house. The Officer began to inspect the rear of the vehicle, as Defendant watched through his rear view mirror. The Officer then inspected the vehicle's undercarriage, and observed an area between the rear bumper and trunk that appeared to have been tampered with; a white bead of caulk was present in this area. He then requested a canine inspection from another CBP Officer, who utilized his Narcotics Detector Dog to screen the vehicle. The canine alerted to the presence of narcotics emanating from the vehicle. Defendant and the vehicle were then referred to the secondary lot for further inspection.

At secondary inspection, a CBP Officer asked Defendant who owned the vehicle. Defendant stated that the vehicle belonged to his mother, and stated that he had traveled to Mexicali, Mexico to have brake work performed on the vehicle. Upon further inspection of the vehicle, a total of 18 packages of a white powdery substance were recovered from a non-factory compartment within 20.12 kilograms, which later field-tested positive for the presence of cocaine.

III

UNITED STATES' MOTION FOR RECIPROCAL DISCOVERY

To date, the United States has provided Defendant with 42 pages of discovery and one DVD. The United States moves the Court to order Defendant to provide all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2. Rule 16(b)(2) requires Defendant to disclose to the United States all exhibits and documents which Defendant "intends to introduce as evidence in chief at the trial" and a written summary of the names, anticipated testimony, and bases for opinions of experts Defendant intends to call at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence.

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IV

CONCLUSION

For the foregoing reasons, the Government respectfully requests that its motion be granted.

DATED: November 2, 2007.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ William A. Hall, Jr.
WILLIAM A. HALL, JR.
Assistant United States Attorney